

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 4 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (RAMON ESPINAL, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 08-23-04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 4 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (RAMON ESPINAL, APPLICANT); OR
2. **DENY** REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 4 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (RAMON ESPINAL, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	<p>APPLICANT: RAMON ESPINAL</p> <p>LOCATION: 731 ROSALIE WAY</p> <p>ZONING: HOLLOWBROOK PUD (PLANNED UNIT DEVELOPMENT DISTRICT)</p>
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT AN ABOVE GROUND POOL THAT WOULD ENCROACH 1 FOOT INTO THE MINIMUM 5 FOOT SIDE YARD SETBACK; THE AFOREMENTIONED SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 4 FEET IS THEREBY REQUESTED. • THE LAND DEVELOPMENT CODE ORDINARILY APPLIES A MINIMUM SIDE YARD SETBACK OF 10 FEET FROM THE WATER'S EDGE OF A POOL. WITHIN THE HOLLOWBROOK PUD, POOLS HAVE BEEN TREATED AS ACCESSORY STRUCTURES, WHERE THE MINIMUM SIDE YARD SETBACK OF 5 FEET APPLIES. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS

	<p>DETERMINED THAT:</p> <ul style="list-style-type: none">• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED POOL HAVE BEEN DEMONSTRATED.• AN ABOVE GROUND POOL COULD BE INSTALLED TO COMPLY WITH THE MINIMUM SETBACK REQUIREMENTS AND STILL PROVIDE REASONABLE USE OF THE PROPERTY.• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE HOLLOWBROOK PUD DISTRICT.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ABOVE GROUND POOL, AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

COMMISSION DISTRICT #:

GUI
PROJ. #

ZONED: PUD

SEC: 23, 24

TWP: 21

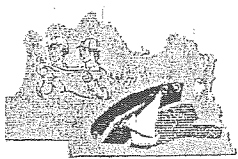
RNG: 30

DEVELOPMENT:		Hollowbrook				DEVELOPER:		General Homes							
LOCATION:		N of Red Bug Lake Road on Dodd Road - 76 lots													
FILE#:		8-3-83-52		BA:				SP:				BCC:		7/15/85	
P&Z:															
PB	32	PG	86-87	Lot		Blk		Parcel		DBA		Comm	Dist		
DEVEL. ORDER #:								TAX PAR. I.D. #:							
SIDEWALKS: Red Bug Lake Road – be installed prior to occupancy of 50% of patio homes, also interior walks required								SETBACK REQUIREMENTS							
								FY:	20'	SIDE ST.:		SY:	5'	RY:	15'
ROAD TYPE: (CURB & GUTTER OR SWALE)								MAIN STRUCTURE OTHER:							
COMMENTS OTHER: Patio Home 6,300 sq. ft.															
								ACCESSORY STRUCTURE SETBACKS:							
								SY:	3'&7'				RY:	5'	
								ACCESSORY STRUCTURE OTHER: Screen rooms: 5' in rear.							

		IMPACT FEES	
Public Safety Impact: 10.00 per unit		SCREEN:	
		TRAFFIC ZONE:	107
		LAND USE:	1
		1. ROAD-CO. WIDE	V-200.00
		2. ROAD-COLL.	V-0
		3. LIBRARY	V-0
		4. FIRE	V-10.00
		5. PARK	
		6. SCHOOL	V-300.00
		7. LAW	
		8. DRAINAGE	
		TOTAL	\$510.00
		REMARKS:	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPL.NO. BV2004-116

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

☒ **VARIANCE** SIDEYARD SETBACK VARIANCE FROM ^{5'} 10' TO 4'
FOR A PROPOSED POOL

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT

MOBILE HOME IS FOR _____

YEAR OF MOBILE HOME _____

SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

APPEAL FROM DECISION OF THE PLANNING MANAGER

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>RAMON ESPINAL</u>	
ADDRESS	<u>731 ROSALIE WAY</u>	
	<u>WINTER SPRING FL 32708</u>	
PHONE 1	<u>DAY 407-402-5898</u>	
PHONE 2	<u>407-699-6741</u>	
E-MAIL		

PROJECT NAME: — INSTALLATION OF 15' ROUND ABOVE GROUND POOL

SITE ADDRESS: SAME

CURRENT USE OF PROPERTY: RESIDENCE

LEGAL DESCRIPTION: SEE ATTACHMENT

SIZE OF PROPERTY: 26,800 acre(s) PARCEL I.D. 24-21-30-5HX-0000-0120

UTILITIES: ☒ WATER ☒ WELL ☒ SEWER ☐ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION ☐ YES ☒ NO fence with gate

This request will be considered at the Board of Adjustment regular meeting on AUG 23 6 PM
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT*

DATE

6/23/04

* Proof of owner's authorization is required with submittal if signed by agent.

I:\p\projects\boa\master forms & lists\boa applications\boa application.doc

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: 4150 COMMISSION DISTRICT 1 FLU/ZONING PD/PUD
 LOCATION FURTHER DESCRIBED AS ON THE EAST SIDE OF ROSALIE WAY
APPROX. 250' N OF BISCAYNE CT.

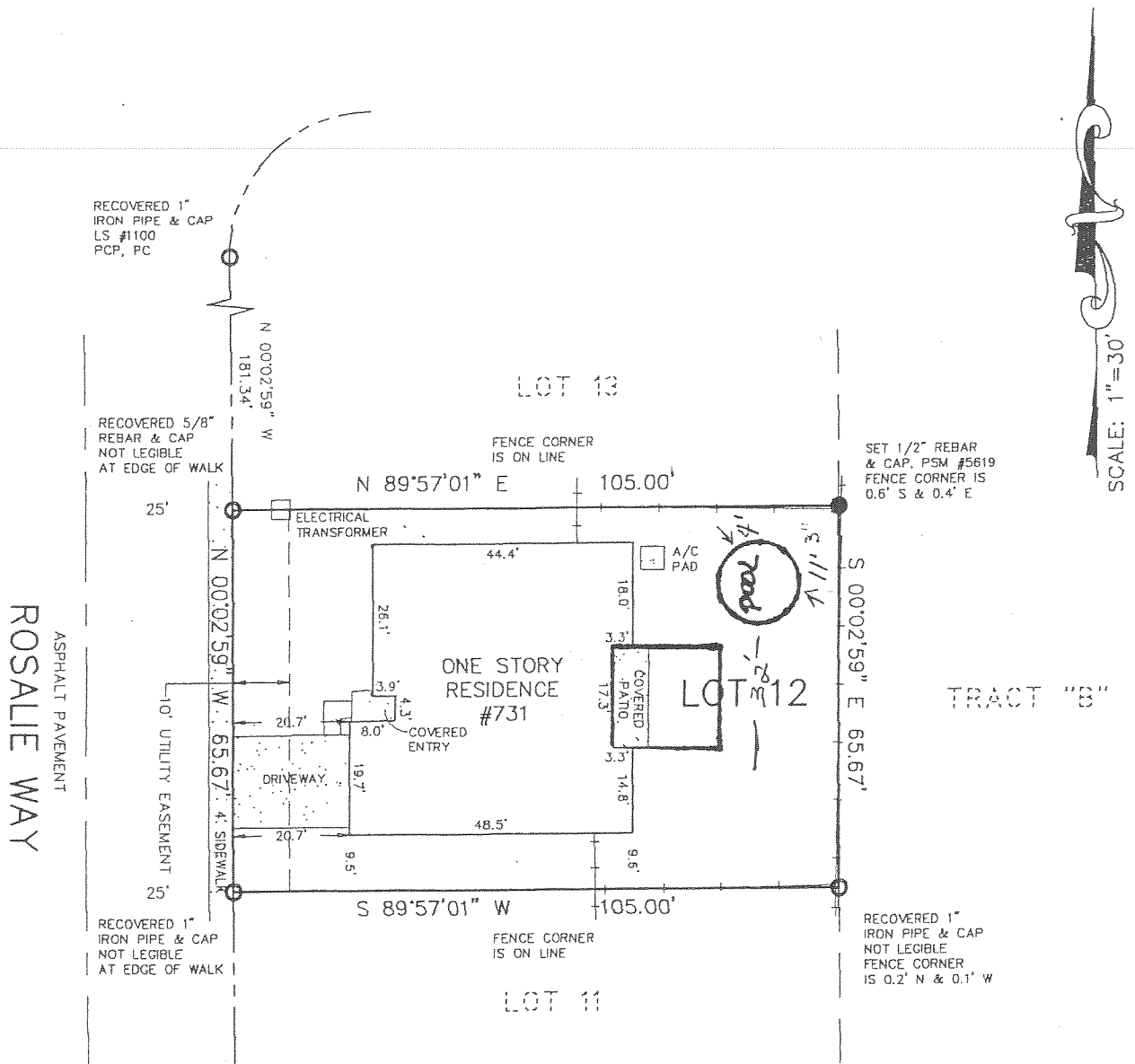
PLANNER V B DATE 6/26/04

SUFFICIENCY COMMENTS _____

MAP OF SURVEY

DESCRIPTION

LOT 12, HOLLOWBROOK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGES 86 AND 87 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.


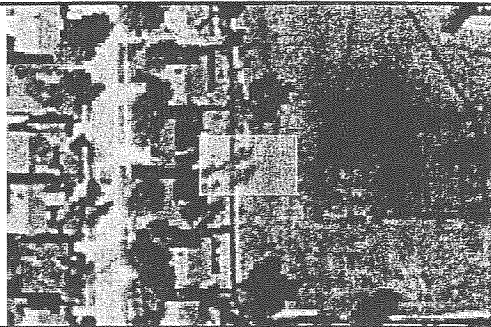


LEGEND:

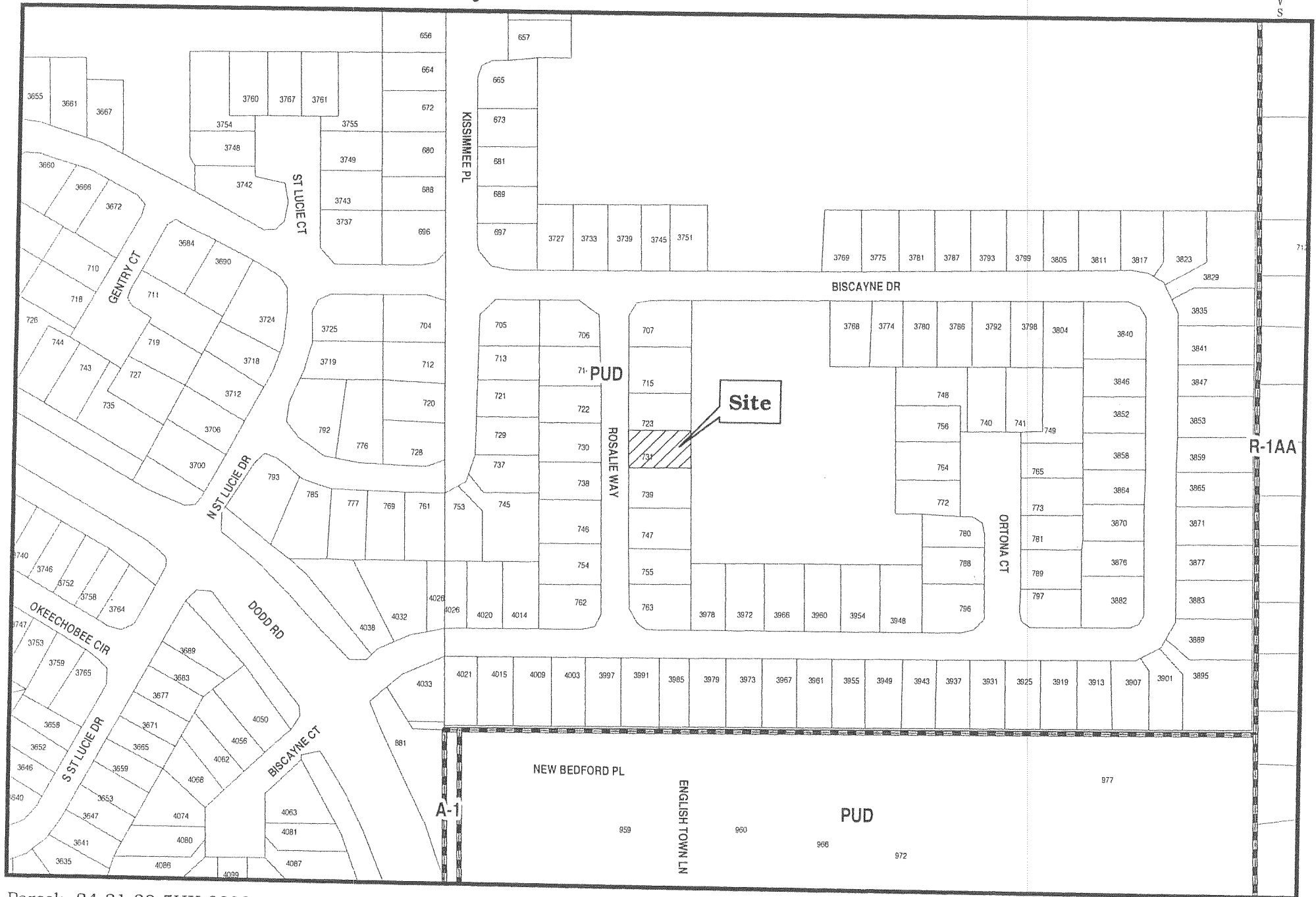
	WOOD UTILITY POLE & GUY WIRE	NR	NON RADIAL
	OVERHEAD UTILITY LINE	RAD	RADIAL
	6' WOOD FENCE	TYP	TYPICAL
	4' CHAIN LINK FENCE	PC	POINT OF CURVATURE
	CENTERLINE	PT	POINT OF TANGENCY
	RIGHT OF WAY LINE	PRC	POINT OF REVERSE CURVATURE
	CONCRETE	PCP	PERMANENT CONTROL POINT
(P)	PLAT	PRM	PERMANENT REFERENCE MONUMENT
(M)	MEASURED	PI	POINT OF INTERSECTION
(D)	DESCRIPTION	RP	RADIUS POINT
(C)	CALCULATED	A/C	AIR CONDITIONER
		R	RADIUS
		Δ	CENTRAL ANGLE
		L	ARC LENGTH
		CB	CHORD BEARING
		CH	CHORD LENGTH
		ORB	OFFICIAL RECORD BOOK
		PG	PAGE

IFIED TO:

RAMON L. AND ELIZABETH M. ESPINAL
 AEGIS MORTGAGE CORPORATION
 FIRST SOUTHWESTERN TITLE
 COMPANY OF FLORIDA, INC.
 TICOR TITLE INSURANCE
 COMPANY

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																																																		
 <p>Seminole County Property Appraiser Services 1101 B. First St. Sanford FL 32771 407-663-7506</p>																																																							
<p align="center">GENERAL</p> <p>Parcel Id: 24-21-30-5HX-0000-0120 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: ESPINAL RAMON L & ELIZABETH M Exemptions: 00-HOMESTEAD</p> <p>Address: 731 ROSALIE WAY</p> <p>City,State,ZipCode: WINTER SPRINGS FL 32708</p> <p>Property Address: 731 ROSALIE WAY WINTER SPRINGS 32708</p> <p>Subdivision Name: HOLLOWBROOK</p> <p>Dor: 01-SINGLE FAMILY</p>				<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$99,306</p> <p>Depreciated EXFT Value: \$825</p> <p>Land Value (Market): \$21,500</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$121,631</p> <p>Assessed Value (SOH): \$97,374</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$72,374</p>																																																			
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>10/1997</td> <td>03308</td> <td>0792</td> <td>\$97,900</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>06/1994</td> <td>02786</td> <td>0853</td> <td>\$93,000</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>03/1994</td> <td>02750</td> <td>1788</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>03/1994</td> <td>02745</td> <td>0426</td> <td>\$85,300</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>04/1986</td> <td>01731</td> <td>1086</td> <td>\$90,000</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>				Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	10/1997	03308	0792	\$97,900	Improved	SPECIAL WARRANTY DEED	06/1994	02786	0853	\$93,000	Improved	SPECIAL WARRANTY DEED	03/1994	02750	1788	\$100	Improved	CERTIFICATE OF TITLE	03/1994	02745	0426	\$85,300	Improved	SPECIAL WARRANTY DEED	04/1986	01731	1086	\$90,000	Improved	<p align="center">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,539</p> <p>2003 Tax Bill Amount: \$1,210</p> <p>Savings Due To SOH: \$329</p> <p>2003 Taxable Value: \$70,558</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>															
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																							

**Ramon Espinal
731 Rosalie Way**



Parcel: 24-21-30-5HX-0000-0120 / District: 1

**BV2004-116
August, 2004**

1:2,500

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 23, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 12 HOLLOWBROOK PB 32 PGS 86 & 87

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: RAMON ESPINAL
731 ROSALIE WAY
WINTER SPRINGS, FL 32708

Project Name: ROSALIE WAY (731)

Requested Development Approval:

1. SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 4 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa, Planner
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The variance granted will apply only to the proposed pool as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: